

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND (Providence)**

In Re: Thomas D. Gammino	Case No. 1:18-bk-11049 Chapter 7
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DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS TRUSTEE FOR RESIDENTIAL  
ACCREDIT LOANS, INC., MORTGAGE ASSET-  
BACKED PASS-THROUGH CERTIFICATES,  
SERIES 2005-QA7  
its successors or assigns,

Movant.

v.

THOMAS D. GAMMINO,

Debtor.

**MEMORANDUM OF LAW IN SUPPORT OF MOTION OF MOVANT FOR RELIEF FROM  
THE AUTOMATIC STAY**

**INTRODUCTION:**

The facts of this case and motion are more specifically spelled out in the Motion for Relief from Automatic Stay filed herewith to which the Court is referred. In the Motion, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-QA7 ("Movant") requests relief from stay in order to pursue its remedies under state law to liquidate its secured claim against the property of the estate of the Thomas D. Gammino (hereinafter the "Debtor") by foreclosure of its mortgage. The Debtor has defaulted on the mortgage payments both pre and post-petition, and thus Movant is not being adequately protected. Furthermore, there is no equity in the property such that the Chapter 7 Trustee has no interest in it.

**ARGUMENT:**

Section 362 (d) (2) of the Bankruptcy Code states in relevant part that the Court may terminate the automatic stay "if the debtor does not have equity in such property." As set forth in Movant's motion the Debtor does not have equity in the property, thus permitting this Court to terminate the stay as regards this property.

**CONCLUSION:**

For the foregoing reasons, Movant respectfully requests that this Court enter an order lifting the automatic stay in effect in order to permit Movant to proceed to exercise its rights and remedies under state law and under a certain note and mortgage, including but not limited to foreclosure.

Date: July 27, 2018

Respectfully submitted,  
Deutsche Bank Trust Company Americas, as Trustee for  
Residential Accredit Loans, Inc., Mortgage Asset-  
Backed Pass-Through Certificates, Series 2005-QA7  
By its attorney,

/s/ Catherine V. Eastwood

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